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UNCLAS KINSHASA 001329

SIPDIS

SENSITIVE

DEPT FOR AF/C - PLEASE PASS TO M. ASHRAF  
PARIS FOR AFRICA WATCHER

FROM BRAZZAVILLE EMBASSY OFFICE

E.O. 12958: N/A

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SUBJECT: CONGO/B: BEACH TRIAL VERDICT EXPECTED TODAY; EAC  
CONVENED TO DISCUSS POST SECURITY

1. (SBU) Summary. A verdict is expected today in the trial of 15 of the country's senior security officials over the disappearance of more than 350 political refugees in events referred to as 'the affair of the missing at the beach' or the 'beach' case. Post recognizes that there is some possibility of unrest if some (or all) of the defendants are found culpable for the alleged crimes. Post convened the EAC to ensure that all appropriate precautionary measures are taken. End summary.

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Verdict Expected Today  
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2. (SBU) Post has identified two likely potential verdicts. In the first instance, none of the defendants are found guilty for the alleged crimes. In this case, post officials and local security contacts do not/anticipate unrest as likely as those who would be dissatisfied with such an outcome have neither expressed militant intent nor demonstrated any significant level of organization.

3. (SBU) The other possible verdict is that some (or all) of the defendants will be found culpable for the allegations. In this case, the post recognizes limited potential for unrest among some of those in the military who may view such a verdict as threatening their perceived immunity from prosecution. The EAC agrees that although some unrest is possible it is unlikely. In addition, the relatively professional police force is equally as unlikely to be co-opted on a widespread basis by such individuals.

4. (SBU) The EAC agrees that the situation should be closely monitored, but that post's current security posture is sufficient to react to any potential unrest.

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Background  
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4. (U) On July 20, 2005, after a one-day delay due to procedural problems, 15 top military and police officials accused of genocide in the disappearances (and alleged murders) of over 350 Congolese political refugees in 1999 went on trial in a civilian court. Among the defendants are some of the country's highest-ranking security officials. They are accused of genocide, crimes against humanity, and war crimes. The refugees were allegedly killed in 1999 as they returned from neighboring Democratic Republic of Congo where they had fled in 1998 to escape the then-civil war in the Republic of Congo (ROC). When the returning refugees arrived at Brazzaville's river port known as 'The Beach' they were arrested (and never seen in public again) on suspicion of being supporters of a militia known as the Ninjas.

5. (SBU) Congo has come under considerable pressure from donor nations to make progress towards good governance and the rule of law. This trial, which has military and security officials appearing before a civilian court, may be an important step in this direction. Human rights organizations and the families of 353 people who went missing at Brazzaville beach have backed this trial. Regardless of the verdict, however, some of the commentary in the print media has questioned the legitimacy of the process and whether justice will be served.

6. (U) Brazzaville Embassy Office - Anderson  
MEECE